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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,087	06/14/2001	Robert A. Wanat	IR 3615NP	8003

7590

08/29/2003

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EXAMINER

NAKARANI, DHIRAJLAL, S

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TC-9

Office Action Summary

Application No.

09/881,087

Applicant(s)

WANAT ET AL.

Examiner

D. S. Nakarani

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 15, 2003 has been entered.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 depends from claim 4 and claim 6 depends from claim 5. The claim 4 is directed to the composite product of claim 2. Therefore in claims 5 and 6, line 1, the phrase "The capstock composition" renders claims confusing and indefinite. Changing the phrase "capstock composition" to the phrase -- composite product -- may overcome the rejection.

4. Claims 2-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadokoro et al (U. S. Patent 6,147,162) in view of Owens (U. S. Patent 3,793,402), Toritani et al (U. S. Patent 5,169,903) and Birch et al (U. S. Patent 6,420,050B2).

Tadokoro et al. disclose a laminate comprising substrate such as ABS resins, polycarbonate resin, polystyrene resins or polyolefin (col. 5 lines 19-26) and a layer of a blend of 95 to 50 wt% of an acrylic resin which comprises methyl methacrylate as main component and 5 to 50 wt% multilayer-structured acrylic polymer containing an elastomeric layer (col. 3, line 7 to col. 4, line 7). Tadokoro et al's multilayer-structured acrylic polymers are disclosed by Owens (U. S. Patent 3,793,402) and by Toritani et al, (U. S. Patent 5,169,903) (col. 4 lines 1-3). The composition of multilayer structured acrylic polymer disclosed by Owens and/or Toritani et al meets claimed molecular weight limitations and amounts of recited monomers (see Owens, col. 5, line 45 to col. 9, line 35 and Toritani et al's abstract and entire disclosure). Tadokoro et al. disclose a thickness of the acrylic blend layer in the range of 0.1 to 0.6 mm (col. 5 lines 3-4). Tadokoro et al's molded articles include interior appliances for automobiles (col. 1 lines 44-47). Tadokoro et al disclose additional additives such as colorants, pigments, fillers, light stabilizers, flame retardants etc (col. 4 lines 27-33). Tadokoro et al fails to disclose claimed co-extrusion process. However Tadokoro et al forms acrylic blend film by melt-extrusion (Example 1) and substrate film by injection molding.

Birch et al as explained in paragraph 9 of the Office Action mailed October 28, 2002 (Paper No. 2) disclose claimed process and molded article.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize disclosure of Birch et al in the invention of Tadokoro et al. to produce laminated article using Birch et al's process when decorative matter is not required between the substrate layer and the protective acrylic blend layer.

No claims are allowed.

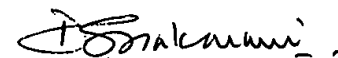
5. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is 703-308-2413. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau can be reached on 703-308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

D. S. Nakarani/mn
August 27, 2003


D. S. NAKARANI
PRIMARY EXAMINER